

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
November 12, 1935.

The Senate met at 10:00 a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Pace.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.**Senate Resolution No. 18.**

Whereas, During the past ten years, the State Highway Department of the State of Texas has let highway contracts totaling many millions of dollars; and

Whereas, In the execution and performance of said contracts, the contracting parties in many instances have differences of opinion as to the work performed, and as to the quantity and quality of work performed, and in many instances, differences in the construction and interpretation of the contract, and as a result of all of same, many claims are filed against the State Highway Department; and

Whereas, in many instances claims which have been filed against the State Highway Department are passed upon by a claims committee appointed by the State Highway Commission, one of the contracting parties, which authorizes the State Highway Department to pass on claims against the department; and

Whereas, During the past ten years, the State of Texas has expended considerable money in auditing the State Highway Department and all of its divisions, said audits commencing, in some cases, at the beginning of the State Highway Department and in all cases extending back over periods of time over which audits and re-audits have been made; and

Whereas, It has been the custom of each incoming auditor to make an audit of the State Highway Department, which said audits not only extend over the past year or two, but which are over past administrations, resulting in great expense to the State and to the department; and

Whereas, It would be advantageous to the State of Texas and to the State Highway Department to have installed in the State Highway Department of the State of Texas a permanent auditing and accounting system which could be audited annually or during each biennium without the necessity of the expenditure of large sums of money for audits over a long period of time; now, therefore, be it

Resolved, by the Senate of Texas:

Section 1. That the President of the Senate be and he is hereby authorized to appoint a committee of five members of the Senate to investigate and make recommendations to the Forty-fifth Legislature, Regular Session, as follows:

First, recommendations as to the establishment of an equitable and legally empowered Claims Board which would have the authority to adjust claims by or against the State Highway Department, and by or against contractors, without the necessity of having the Legislature authorize the filing of suits;

Second, recommendations as to changes, if any, necessary in the auditing and accounting system of the State Highway Department so that audits can be made annually or during each biennium without the

necessity of the expenditure of large sums of money in complete audits unless some good and sufficient reason should be presented for the complete audits;

Third, recommendation as to any other changes or matters in connection with the State Highway Department and its administrative divisions.

Sec. 2. That said Committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning; said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee shall be open to the public, except at such times as the committee, by majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees, and its sergeant-at-arms.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records or files of departments and institutions and any and all officers and/or employees of departments and institutions under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with departments and institutions and any and all officers and/or employees of departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purpose for which it is appointed.

Sec. 4. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in

the trial of criminal cases in the district court.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

Sec. 6. That said committee may call upon the Attorney General's department, Auditing department, Ranger department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's department to render opinions, give counsel and assistance to said committee upon request of the chairman or members of said committee.

Sec. 7. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-fifth Legislature. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-fourth Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-fourth Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Sec. 8. The total expenses of said committee are hereby expressly limited to not exceeding the sum of Five Hundred Dollars (\$500.00)

REDDITT,
PACE.

Read.

Senator Redditt asked unanimous consent to suspend the rule requiring resolutions be referred to a committee.

Unanimous consent was granted.

S. R. No. 18 was adopted by the following vote:

Yeas—16.

Beck.	Hill.
Burns.	Holbrook.
Cotten.	Martin.
Davis.	Moore.

Neal.	Redditt.
Pace.	Sanderford.
Poage.	Shivers.
Rawlings.	Stone.

Nays—11.

Blackert.	Oneal.
Collie.	Small.
DeBerry.	Sulak.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Nelson.	

Absent.

Hopkins.	Van Zandt.
Regan.	

Absent—Excused.

Fellbaum.

The Chair appointed Senators Pace, Redditt, Rawlings, Woodruff and Stone in compliance with S. R. No. 18.

S. C. R. No. 22.

Whereas, On August 1, 1922, the Sheep and Goat Raisers Association of Texas requested the Secretary of Agriculture of the United States to designate goat meat as "chevon," and on September 8, 1924, such goat meat was designated by the Secretary of Agriculture as "chevon," and since said time all goat meat shipped has been required to be designated as "chevon" instead of mutton or lamb; and,

Whereas, Such a designation of goat meat has worked a hardship on the sale and marketing of goat meat or goat mutton and has greatly curtailed the sale and marketing of the same and is now seriously curtailing the sale and marketing of the same.

Therefore, Be It Resolved By the Senate of Texas, the House of Representatives concurring, That the Secretary of Agriculture revoke his order requiring such meat to be designated as "chevon" and permit the same to be designated as mutton or lamb, as well as goat meat and "chevon," and that a copy of this resolution be transmitted to said Secretary of Agriculture of the United States.

DAVIS.

Senator Davis asked unanimous consent to suspend the rule requiring resolutions be referred to a committee.

Unanimous consent was granted.

S. C. R. No. 22 was adopted unanimously.

S. C. R. No. 23.

Whereas, House Bill No. 26, providing for a system of Old Age Assistance in Texas, has passed both the House and the Senate of the Forty-fourth Legislature of the State of Texas, Second Called Session, but said bill failed to receive sufficient votes in the Senate to put the same into immediate effect; and

Whereas, It is very important and essential that the organization for administering Old Age Assistance in Texas be set up immediately for the purpose of receiving and classifying applications for assistance, and that the Old Age Assistance Commission provided for in said bill be immediately selected and appointed in order that they may begin their important work; and

Whereas, Each day's delay in setting up such organization and in receiving and classifying such applications will result in loss of efficiency; and

Whereas, There is no good or logical reason for delaying the effective date of said House Bill No. 26, and such delay can result in no benefit to the State of Texas but will be, in all things, detrimental and harmful both to the State and to the aged people in this State deserving of and entitled to assistance; and

Whereas, Section 39 of Article 3 of the Constitution of the State of Texas provides that laws passed by the Legislature shall take effect and go into force ninety days after the adjournment of the session at which they are enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall, by a vote of two-thirds of all members elected to each House, otherwise direct; and

Whereas, The emergency is a part of and is expressed in the body of said House Bill No. 26. Now, therefore,

Be It Resolved, by the Senate, the House of Representatives concurring, by an affirmative vote of two-thirds of all the members elected to each House, that said House Bill No. 26 be and the same is hereby declared to be in full force and effect from and after the passage of this resolution, the votes thereon to be taken by yeas and nays and

entered upon the journals of the House and Senate, respectively, the purpose of this resolution being to put said House Bill No. 26 into immediate effect without waiting for the expiration of the ninety day period immediately following the adjournment of this the Second Called Session of the Forty-fourth Legislature.

Be It Further Resolved, That when this resolution is finally passed, the same shall be printed by the Secretary of State and a copy thereof forwarded to such State officials as may be concerned.

Be It Further Resolved, That in case any clause, sentence or part of this resolution shall, for any reason, be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect or invalidate the remainder of this resolution, but such invalidity shall be confined in its operation to the clause, sentence or part thereof declared to be invalid.

Be It Further Resolved, That said House Bill No. 26, including this resolution, is an emergency measure and such emergency is hereby declared for the reasons herein and in said House Bill No. 26 stated, and on account of such emergency an imperative public necessity demands that the constitutional rule requiring all bills to be read on three several days in each House be suspended, and said rule is hereby suspended and said House Bill No. 26 and this resolution shall be in force and take effect from and after the passage hereof, and it is so enacted.

SHIVERS.

Senator Shivers asked unanimous consent to suspend the rule requiring resolutions be referred to a committee.

Objections were heard.

Senator Shivers moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Isbell.
Burns.	Martin.
Cotten.	Moore.
DeBerry.	Neal.
Hill.	Nelson.
Hornsby.	Oneal.

Pace.	Shivers.
Poage.	Stone.
Rawlings.	Westerfeld.
Redditt.	Woodruff.
Regan.	

Nays—5.

Blackert.	Sanderford.
Collie.	Sulak.
Holbrook.	

Absent.

Davis.	Small.
Hopkins.	

Absent—Excused.

Fellbaum.	Van Zandt.
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On motion of Senator DeBerry S. C. R. No. 23 was laid on the table subject to call.

Message From the House,

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has tabled, by a vote of 63 yeas and 57 nays, H. C. R. No. 23, endorsing the submission of an amendment to the Texas Constitution in 1936 to provide for a unicameral legislative system.

The House has concurred in Senate Amendments to H. B. No. 68, by a vote of 106 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 15.

The Chair appointed as conferees on the part of the Senate on S. B. No. 15, the following:

Senators Poage, Rawlings, Hornsby, Regan and Redditt.

Bill and Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolution:

H. B. No. 112.
H. C. R. No. 20.

House Bill No. 105.

The Chair laid before the Senate in lieu of S. B. No. 20, on its second reading, the following bill:

By Messrs. Gibson and Latham:

H. B. No. 105, A bill to be entitled "An Act validating all elections, election orders, election proceedings, affidavits and city ordinances annexing adjacent territory or extending and prescribing the corporate limits of any incorporated city incorporated and functioning under the General Laws of Texas under Commission Form of Government, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 105 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Hopkins.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Nelson.
Hill.	Oneal.
Holbrook.	Pace.

Poage.	Small.
Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 20.

S. B. No. 20 was laid on the table on motion of Senator Hill.

Senate Bill No. 9.

The Chair laid before the Senate on its second reading the following bill:

By Senator Martin:

S. B. No. 9, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, providing for the appointment of county auditors in certain counties of Texas and providing for their salaries and the method of payment of same; providing that if any part of this Act is held to be unconstitutional or invalid, the same shall not affect the remaining portion of this Act; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read the second time.

On motion of Senator Martin the rule requiring printed copies of bills to lie on desks 24 hours was suspended by unanimous consent.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Laid on the table subject to call.

Senate Bill No. 24.

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 24, A bill to be entitled "An Act providing that wherever a person has died or may die, testate, owning property in Texas, and such person's will has been or may be admitted to probate by the county court, and such probated will names

an independent executor, or executors, and/or trustees to execute the terms and provisions of the will, or provides that no other action shall be had in the courts of Texas in reference to the settlement of the estate than the probating and recording of the will and the return of an inventory, appraisement and list of claims of the estate dealt with in the will, or contains language of similar import, and such independent executor, or executors, and/or trustees have died or shall die leaving unexecuted parts or portions of the will of the testator, and an administrator de bonis non, with the will annexed, is appointed by the County Court having jurisdiction of such estate, and an administrator's bond is filed and approved, then in all such cases, the county court may, upon application, notice and hearing, in addition to the powers conferred upon such administrator under other provisions of the laws of Texas, authorize, direct and empower such administrator to borrow such sums of money and incur such obligations and debts as the court may direct, and renew and extend the same from time to time, upon application and order of the court, etc., and declaring an emergency."

On motion of Senator Small S. B. No. 24 was laid on the table subject to call.

House Bill No. 118.

The Chair laid before the Senate in lieu of S. B. No. 29 on its second reading, the following bill:

By Mrs. Moore and Mr. Thornton:
H. B. No. 118, A bill to be entitled "An Act reappropriating an appropriation of Seventy-five Thousand (\$75,000.00) Dollars made by Acts of the Regular Session, Forty-fourth Legislature, Chapter 352, page 868, for the purpose of remodeling and reequipping hospital building at the State Hospital for Crippled and Deformed Children at Galveston, Texas; providing that said appropriation shall be used for the purpose of erecting a new hospital building; appropriating an additional Thirty-five Thousand (\$35,000.00) Dollars for such purpose; and declaring an emergency."

On motion of Senator Holbrook the rule requiring printed copies of

bills to lie on desks 24 hours was suspended.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 118 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 29.

On motion of Senator Holbrook S. B. No. 29 was laid on the table.

Senate Bill No. 28.

The Chair laid before the Senate on its second reading the following bill:

By Senator Regan:

S. B. No. 28, A bill to be entitled "An Act to amend Chapter 3 of Title 42 of the Revised Civil Statutes of Texas of 1925 by adding thereto a new article to be known as Article 2033-B, providing for the service of citation or other civil processes, and declaring an emergency."

Senator Regan moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 28 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Cotten.
Blackert.	Davis.
Burns.	DeBerry.
Collie.	Hill.

Holbrook.
Hopkins.
Hornsby.
Isbell.
Martin.
Moore.
Neal.
Nelson.
Oneal.
Pace.
Poage.

Rawlings.
Redditt.
Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 31.

The Chair laid before the Senate on its second reading the following bill:

By Senator Cotten:

S. B. No. 31, A bill to be entitled "An Act applying only to independent school districts in counties having a population of not less than thirty-two thousand five hundred (32,500) and not more than thirty-seven thousand five hundred (37,500) according to the last preceding Federal census; authorizing said school districts to fund into time warrants all outstanding obligations of said school districts which existed on November 12, 1935; prescribing the terms and conditions of issuance of said time warrants; authorizing said school districts to borrow money in a sum not to exceed fifteen thousand dollars (\$15,000.00) with which to pay current expenses for the school year 1935-36; providing for the levying of a tax to pay the same and fixing the rate of interest thereon; prescribing the terms and conditions of said time warrants; and declaring an emergency."

Senator Cotten moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Cotten the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 31 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 23.

The Chair laid before the Senate on its second reading the following bill:

By Senator Nelson:

S. B. No. 23, A bill to be entitled "An Act validating an election held under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, transferring certain lands from the Badgett Common School District No. 4 in Martin County, Texas, to Courtney Independent School District No. 5, Martin County, Texas, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Nelson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 23 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 30.

The Chair laid before the Senate on its second reading the following bill:

By Senator Regan:

S. B. No. 30, A bill to be entitled "An Act authorizing cities having a population of more than 3,500 and not exceeding 4,000 inhabitants, and

which are not served either by a natural gas or an artificial gas distribution system to acquire by purchase or otherwise a system to make available and to distribute to their inhabitants who subscribe for the service, a gas for fuel and lighting purposes manufactured and compounded in the manner herein prescribed; adopting by reference the procedure for the issuance of other revenue bonds, notes and warrants, as prescribed in Articles 1111 to 1118, of the Revised Civil Statutes of 1925, as amended and in Chapter 163, Acts of the Regular Session of the Forty-second Legislature, prescribing that the provisions of this Act are cumulative of all other laws and declaring an emergency."

Senator Regan moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 30 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Burns.
Blackert.	Collie.

Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 18.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 18, A bill to be entitled "An Act amending Chapter 5, Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204, Acts of the Regular Session of the Forty-fourth Legislature, by making more specific the application of the Act to the building of libraries, gymnasia, athletic buildings and stadia; and declaring and emergency."

Senator Woodruff moved to suspend the rule requiring printed copies of bills to lie on desks 24 hours.

The motion prevailed by viva voce vote.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

Senator Woodruff sent up the following amendments:

Amend S. B. No. 18, by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. Amend Section 1 of Chapter 5 of the Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204 of the Acts of the Regular Session of the Forty-fourth Legislature, so that said Section shall hereafter be and read as follows:

Section 1. That the Board of Regents of the University of Texas and its branches, and the Board of Directors of the Agricultural and Mechanical College, and its branches, and the Board of Directors of Texas Technological College, and the Board of Regents of the State Teachers Colleges, and the Board of Regents of the College of Industrial Arts and the Board of Directors of the College of Arts and Industries are hereby severally authorized and empowered to construct or acquire, through, and only through, funds or loans to be obtained from the Government of the United States, or any agency or agencies thereof, created under the National Recovery Act, or otherwise created by the Federal Government, such funds to be acquired only through the Federal Government or such agencies, and not otherwise, without cost to the State of Texas, and accept title, subject to such conditions and limitations as may be prescribed by each of said Boards, dormitories, kitchens and dining halls, hospitals, libraries, student activity buildings, gymnasias, athletic buildings and stadia, and such other buildings as may be needed for the good of the institution and the moral welfare and social conduct of the students of such institutions when the total cost, type of construction, capacity of such buildings, as well as the other plans and specifications have been approved by the respective Governing Boards.

Sec. 2. Amend Section 2 of Chapter 5 of the Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204 of the Acts of the Regular Session of the Forty-fourth Legislature, so that said Section shall hereafter be and read as follows:

Sec. 2. That said boards are further authorized to fix fees and charges for the use of the buildings erected under authority of the law amended by this Act. The charges to be made and the fees to be assessed against students using said buildings shall be in amounts deemed to be reasonable by the respective boards, taking into consideration the cost of providing said facilities, the use to be made of them and the ad-

vantages to be derived therefrom by the students of the respective institutions; provided that the fee to be assessed against a student for the use of a library, or for the use of a student activity building, or for the use of a hospital, or for the use of a gymnasium, shall not exceed four (\$4.00) Dollars for any one of said purposes for any one semester or for any one summer session. The fees and charges thus fixed along with all other income therefrom shall be considered as revenues derived from the operation of the buildings thus constructed.

That said Boards are further authorized to make any contract with reference to the collection and disposition of the revenues derived from any building so constructed in the acquisition or construction, management, and maintenance of any building or buildings acquired hereunder. In reference to the acquisition of student activity buildings, stadia, gymnasias, and all character of athletic buildings, said boards are authorized also to make contracts with reference to the collection and disposition of revenues to accrue to such respective institutions from activities, athletic events, and games in which said respective institutions participate away from said institutions, as well as at said institutions; and in anticipation of the collection of such revenues, and for the purpose of paying the cost of the construction or acquisition of said building or buildings and grounds said Boards are severally empowered by resolution to authorize, sell, and deliver its negotiable bonds or notes from time to time and in such amount or amounts as it may consider necessary. The fees and charges so fixed for the use of any such building or buildings shall not be collected after payment in full shall have been completed for the building or buildings for which said fees shall be pledged. Thereafter the right of said respective Boards to fix charges and fees shall depend on laws other than this Act as hereby amended. Any bonds or notes issued hereunder shall bear interest at not to exceed six per cent per annum, and shall finally mature not more than forty years from date.

Sec. 3. Amend Section 11 of Chapter 5 of the Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204 of the Acts of the Regular Session of the Forty-fourth Legislature, so that said Section shall hereafter be and read as follows:

Sec. 11. To the extent that this Act specifies the inclusion of the power to build libraries, student activities buildings, gymnasias, athletic buildings and stadia, it shall be considered as declaratory of the existing law which by the use of general terms already included the power to acquire said buildings. This Act shall not repeal any statute now in effect but shall be cumulative of all other statutes affecting said institutions, and shall not modify or abridge any powers now held by any of said institutions to control or pledge its funds, provided however that to the extent that the provisions of this Act may be in conflict with the provisions of any other law, including those of Chapter 237, Acts of the Fortieth Legislature, Chapter 196, Acts of the Forty-third Legislature, and Chapter 221, Acts of the Regular Session of the Forty-third Legislature, the provisions of this Act shall take precedence and prevail, it being the intention of the Legislature to confer authority on the governing boards of said institutions to establish fees and charges to be made for the use of the buildings to be constructed under the law amended hereby, and to pledge said revenues as herein provided.

Sec. 4. All actions heretofore taken by said boards in reference to the fixing of fees and charges for the use of such buildings and all actions taken by said boards in making contracts for the collection and disposition of such revenues and in reference to the pledging of such revenues, and all actions taken by said boards in issuing bonds and notes to evidence the obligation to collect such revenues and apply same to the payment of such bonds and notes are hereby ratified and confirmed.

Sec. 5. Should any Section or part of a section of this Act be held

to be unconstitutional, the remaining sections and parts of sections shall not be affected by such holding.

Sec. 6. The fact that it is considered advisable to specify additional kinds of buildings already permitted by general provisions of the existing law, and that more definite power be given to the respective governing boards to fix fees and charges for the use of the buildings thus constructed, or acquired; that their acts in the past in fixing such fees and charges be ratified, and the near approach of the close of this session create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

WOODRUFF.

Read and adopted.

Amend S. B. No. 18 by striking out all above the enacting clause and insert in lieu thereof the following:

A BILL

To Be Entitled

An Act amending Chapter 5, Acts of the Second Called Session of the Forty-third Legislature, as amended by Chapter 23 of the Acts of the Regular Session of the Forty-fourth Legislature, and by Chapter 204, Acts of the Regular Session of the Forty-fourth Legislature, by making more specific the application of the Act to the building of libraries, student activity buildings, gymnasias, athletic buildings and stadia; conferring definite power on the Governing Boards of the educational institutions named to fix fees and charges against students for the use of any and all buildings constructed under this law as amended, prescribing the minimum and maximum fees to be charged for certain classes of said buildings, designating such fees and charges, along with all other income derived therefrom, as revenues derived from the operation of such buildings; authorizing the pledging of the same and revenues accruing to the respective institutions from activities, athletic events, and

games away from said respective institutions, to the payment of bonds and notes evidencing the obligations of such institutions to the Government of the United States, and its agencies; providing that fees and charges thus fixed shall not be collected after payment for such buildings shall have been completed; expressly validating acts heretofore taken by the Governing Boards of said institutions in reference thereto; noting that certain provisions thereof are declaratory of existing law and providing that this Act is cumulative of all other Acts not in conflict herewith; providing that this Act shall not modify or abridge any power now held by any such institution to control or pledge its funds; providing that this Act shall take precedence over other laws in event of conflict; providing in event any part of this Act shall be held to be unconstitutional, it shall not affect any other part thereof, and declaring an emergency.

WOODRUFF.

Read and adopted.

The bill was read second time, as amended, and passed to engrossment.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 18 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 19.

Senator Nelson called up

S. B. No. 19, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempting to establish, combine, abolish or change any independent or common school district under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, 1935, or under Chapter 151, Acts Regular Session, Forty-fourth Legislature, 1935, and declaring an emergency."

Amend S. B. No. 19, Section 1, line 2, by inserting between the words "Texas" and "in" the following:

"with a population of not less than 8,800 and not more than 8,950 according to the last preceding Federal census"

NELSON.

Read and adopted.

Amend the caption to conform.

NELSON.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by a viva voce vote.

The bill was read second time and passed to engrossment.

On motion of Senator Nelson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 19 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Joint Session.

The Chair, at 11:15 o'clock a. m., announced that the hour set for the joint session of the Legislature, as provided for in S. C. R. No. 13, had arrived.

The Senate formed into a body and adjourned to the House.

Senate Called to Order.

The Senate was called to order at 12:15 o'clock p. m.

Recess.

On motion of Senator Hornsby, the Senate, at 12:15 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by President Pro. Tem. W. R. Poage.

House Bill No. 116.

Senator Burns asked unanimous consent to take up out of regular order H. B. No. 116.

Objection was heard.

Senator Burns laid the request on the table subject to call.

House Bill No. 104.

Senator Beck received unanimous consent to take up out of regular order H. B. No. 104.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Good, et al.:

H. B. No. 104, A bill to be entitled "An Act to create the Sulphur River Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas, authorizing subordinate districts and for the creation and government thereof; defining the powers and duties of said districts; providing for directors and organization and operation of the districts and the authority and duties of said directors; defining the area of the parent and subordinate districts; providing certain duties for the State Board of Water Engineers, State Reclamation Engineer and the Governor of the State; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 104 was put on its third reading and final passage by the following vote:

Yeas—21.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Nelson.
DeBerry.	Poage.

Rawlings.
Sanderford.
Shivers.
Stone.

Van Zandt.
Westerfeld.
Woodruff.

Absent.

Hopkins. Redditt.
Moore. Regan.
Neal. Small.
Oneal. Sulak.
Pace.

Absent—Excused.

Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent.

Pace. Sulak.
Small.

Absent—Excused.

Fellbaum.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Nov. 12, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 108, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the govern-

ing bodies of each respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory Board of Equalization, or where the city council, city commission or other governing body of such incorporated city or town have acted as a Board of Equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; and declaring an emergency."

H. B. No. 134, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand (\$50,000.000) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

H. C. R. No. 18, Granting Wade Robinson permission to sue the State for personal injuries.

H. C. R. No. 22, Providing for the immediate effect of H. B. No. 26. (Old Age Assistance Bill.)

H. B. No. 122, A bill to be entitled "An Act amending House Bill No. 327, Chapter 350, of the General Laws of the State of Texas as passed by the Forty-fourth Legislature, 1935, Regular Session, by adding thereto a Section to be known as Section 6a, providing that a common school district in a county whose population, as shown by the last Federal census, is between forty-three thousand and one (43,001) and forty-three thousand and one hundred (43,100) inhabitants, and which district has a current levy of fifty (50) cents on the one hundred dollars property valuation, and has voted a tax levy of seventy-five (75) cents on the one hundred dollars valuation, may receive aid for a one-teacher school for the year 1935-36; repealing all laws in conflict therewith, and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 15. The follow-

ing are conferees on the part of the House:

Messrs. Pope, Roark, Latham, Harris of Dallas, Dunagan.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolutions Referred.

H. B. No. 134 was referred to the Committee on Finance.

H. B. No. 108 was referred to the Committee on Civil Jurisprudence.

H. B. No. 122 was referred to the Committee on Education.

H. C. R. No. 18 was referred to the Committee on State Affairs.

H. C. R. No. 22 was referred to the Committee on Finance.

Bills and Resolution Signed.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. B. No. 68. H. B. No. 105.
H. B. No. 118. S. C. R. No. 14.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, Nov. 12, 1935.
To the Members of the Forty-fourth Legislature (In Second Called Session):

At the request of Senator Will D. Pace and Representatives W. M. Craddock, Tom Cooper, Otis Dunagan and Sidney Latham, I respectfully submit for your consideration the following local bill:

To abolish the office of district attorney of the Seventh Judicial District at the expiration of the term of the present incumbent, and confer the duties of said office upon the county attorneys of Smith, Wood and Upshur Counties.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

House Bill No. 103.

Senator Martin received unanimous consent to take up out of regular order H. B. No. 103.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Venable and Mr. Stovall:

H. B. No. 103, A bill to be entitled "An Act validating the acts of cities, towns and villages in attempting to adopt the provisions of cities and towns under authority of Article 961, Revised Civil Statutes of 1925, and validating acts thereafter taken by such cities, towns and villages, with provision that this Act shall not apply in instances wherein the validity of the adoption of such powers is in litigation at the time this Act becomes effective, repealing all laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 103 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Stone.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

DeBerry.	Small.
Fellbaum.	Sulak.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Holbrook.
Blackert.	Hopkins.
Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Moore.
Hill.	Nelson.

Oneal.	Sanderford.
Pace.	Shivers.
Poage.	Stone.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Regan.	Woodruff.

Absent—Excused.

DeBerry.	Small.
Fellbaum.	Sulak.
Neal.	

House Bill No. 116.

Senator Burns asked unanimous consent to take up out of regular order H. B. No. 116.

Objections were heard.

Senator Burns moved to take up out of regular order H. B. No. 116.

The motion prevailed unanimously.

House Bill No. 116.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McKinney:

H. B. No. 116, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the General Fund of the State of Texas for the Texas Prison System for the fiscal years ending August 31, 1936, and August 31, 1937, respectively, and declaring an emergency."

(With committee amendments.)

Committee Amendments Nos. 1, 2, 3 and 4 were read and adopted by viva voce vote.

Committee Amendment No. 5 was read and adopted by viva voce vote.

Vote Recorded.

Senator Moore asked to be recorded as voting "no" on adoption of Committee Amendment No. 5.

Committee Amendment No. 6 was read and adopted.

Committee Amendment No. 7 was withdrawn by Senator Burns.

Committee Amendment No. 8 was laid on the table subject to call.

Amend H. B. No. 116 by adding another section to be known as Section 1a, as follows:

Section 1a. The sum of Ten Thousand Dollars (\$10,000.00) or so much thereof as is necessary, is hereby appropriated out of any

moneys in the State Treasury not otherwise appropriated to the State Tuberculosis Sanatorium, Sanatorium, Texas, for the purpose of erecting and equipping a building for physicians at said sanatorium. The contract for said building shall be let and all equipment purchased by the State Board of Control in accordance with the provisions of the general laws of Texas relating to contracts and purchases for State Eleemosynary Institutions.

DAVIS.

Read and adopted.

Amend H. B. No. 116 by adding at the end of Section 1 a new section to be known as Section 1a, reading as follows:

Section 1a. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of One Thousand (\$1000.00) Dollars or so much thereof as may be necessary for the purpose of moving the Board of Pardons and Paroles from Austin to the offices in and adjacent to the central unit of the Texas Prison Systems at Huntsville, Walker County, Texas, as provided by Acts of 1935, Forty-fourth Legislature, Chapter 348, Page 831, and in the event this appropriation is insufficient it may be supplemented from the general maintenance funds of the Texas Prison System.

MOORE.

Read.

Point of Order.

Senator Sanderford raised the point of order that the amendment was out of order as it was not germane and did not come within the Governor's call.

The Chair overruled the point of order.

The amendment by Senator Moore was adopted by the following vote:

Yeas—15.

Burns.	Pace.
Cotten.	Redditt.
Davis.	Shivers.
Isbell.	Small.
Martin.	Sulak.
Moore.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	

Nays—9.

Blackert.	Hornsby.
Collie.	Neal.
DeBerry.	Sanderford.
Hill.	Woodruff.
Holbrook.	

Absent.

Beck.	Rawlings.
Hopkins.	Regan.
Poage.	Stone.

Absent—Excused.

Fellbaum.

Amend H. B. No. 116 by adding a new section thereto to read as follows:

1(c). There is hereby appropriated out of the funds, not otherwise appropriated, from the treasury of the State of Texas the sum of \$15,000.00 for the purpose of construction and equipment of three cottage dormitories for students, two of which shall be used for men students and one for women students on the campus of the Texas Technological College and on the land belonging to said college at Lubbock, Texas.

NELSON.

Read.

The amendment was adopted by the following vote:

Yeas—16.

Burns.	Sanderford.
Collie.	Shivers.
Hornsby.	Small.
Moore.	Stone.
Nelson.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.

Nays—6.

Blackert.	Isbell.
Cotten.	Martin.
Hill.	Redditt.

Present—Not Voting.

Davis.	Holbrook.
DeBerry.	

Absent.

Beck.	Oneal.
Neal.	

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	

Amend H. B. No. 116 by adding a new section numbered and to read as follows:

(1B) There is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, in addition to any appropriation heretofore made to the hereinafter named State educational, and to become immediately available for the purpose of constructing, furnishing and/or equipping one or more co-operative cottages for women on the campus of the Texas State College for Women at Denton, Texas, the sum of \$8500.00.

WOODRUFF.

Read.

Previous Question.

Senator Hill moved that the Senate order the previous question on the amendment by Senator Woodruff and the passage to third reading of H. B. No. 116.

The motion was duly seconded.

The previous question was not ordered as shown by the following vote:

Yeas—9.

Burns.	Isbell.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Westerfeld.
Hill.	

Nays—13.

Blackert.	Poage.
Collie.	Rawlings.
Holbrook.	Sanderford.
Hornsby.	Stone.
Martin.	Van Zandt.
Neal.	Woodruff.
Nelson.	

Present—Not Voting.

Sulak.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Pace.
Hopkins.	Shivers.
Moore.	Small.

The amendment by Senator Woodruff was lost by the following vote:

Yeas—9.

Burns.	Nelson.
Martin.	Rawlings.

Regan. Van Zandt.
Sanderford. Woodruff.
Stone.

Nays—13.

Blackert. Hornsby.
Collie. Isbell.
Cotten. Neal.
Davis. Poage.
DeBerry. Redditt.
Hill. Westerfeld.
Holbrook.

Present—Not Voting.

Sulak.

Absent—Excused.

Beck. Oneal.
Fellbaum. Pace.
Hopkins. Shivers.
Moore. Small.

Senators Moore, Oneal, Small, Pace and Shivers were in Conference Committee on S. B. No. 15 and were excused from the roll call.

Amend H. B. No. 116 by adding at the proper place the following:

To pay to Reynolds Lowry, Anna McKinney Lowry and Mrs. Mary Nelson Lowry Nolen, Nee Mary Nelson Lowry, share and share alike in full settlement of their right, title, interest and claim of any and all heirs and representatives of Thomas F. McKinney against the State of Texas, for, or on account of money, property and credit and advances of every character furnished by the said Thomas F. McKinney to the Republic of Texas. For further certainty, it is directed that the Comptroller shall deliver the warrant for the sum hereinabove allowed, only upon the filing with him of a Certificate of the County Judge of Travis County, where said Claimants reside, to the effect that properly certified copies of the Wills of the said Thomas F. McKinney and his wife, Mrs. Anna McKinney, have been filed with him, together with at least two written affidavits of responsible and credible persons, showing that claimants are the only children and heirs at law of Mrs. Mag A. Lowry, a residue legatee, and that under the provisions of said Wills and the facts, said sum is legally payable to the said Reynolds Lowry, Anna McKinney Lowry and Mrs. Mary Nelson Nolen. The sum of \$16,942.80 out of the

General Revenue Fund of the State of Texas not otherwise appropriated.
VAN ZANDT.

Read.

The amendment was adopted by the following vote:

Yeas—12.

Burns. Regan.
Hopkins. Sanderford.
Hornsby. Stone.
Martin. Van Zandt.
Neal. Westerfeld.
Nelson. Woodruff.

Nays—6.

Blackert. DeBerry.
Collie. Holbrook.
Cotten. Redditt.

Present—Not Voting.

Hill. Sulak.
Isbell.

Absent.

Beck. Poage.
Davis. Rawlings.

Absent—Excused.

Fellbaum. Pace.
Moore. Shivers.
Oneal. Small.

Motion to Re-refer.

Senator Hill moved to re-refer H. B. No. 116 to the Committee on Finance for further consideration.

The motion lost by the following vote:

Yeas—11.

Blackert. Neal.
Collie. Redditt.
Cotten. Sanderford.
DeBerry. Sulak.
Hill. Westerfeld.
Holbrook.

Nays—11.

Beck. Rawlings.
Burns. Regan.
Hopkins. Stone.
Hornsby. Van Zandt.
Martin. Woodruff.
Nelson.

Present—Not Voting.

Isbell.

Absent.

Davis.

Poage.

Absent—Excused.

Fellbaum.	Pace.
Moore.	Shivers.
Oneal.	Small.

Committee Amendment No. 8.

Senator Sulak called up Committee Amendment No. 8.

Read and adopted by viva voce vote.

Vote Recorded.

Senator Cotten asked to be recorded as voting "no" on adoption of Committee Amendment No. 8.

Amend H. B. No. 116 by adding a new section as follows: Providing for \$125,000 for the erection of an Engineering Building for John Tarleton College at Stephenville, Texas, on the college campus.

SANDERFORD.

Read and pending.

Amend Sanderford amendment by substituting words and figures to read (\$250,000.00) Two Hundred and Fifty Thousand.

HILL.

Read and pending.

Senate Resolution No. 19.

Whereas, Mrs. W. R. Potter, of Bowie, Texas, Past President of the Texas Federation of Womens Clubs and now a member of the Board of Regents of the Texas Technological College of Lubbock, Texas, is now in the Senate Chamber; be it therefore

Resolved, That Mrs. Potter be extended the privilege of the floor and be invited to address the Senate of Texas.

NELSON.

Read and unanimously adopted.

The Chair appointed Senators Nelson, Collie and Westerfeld to escort the distinguished visitor to the platform.

Lieutenant Governor Woodul presented Senator Nelson who in turn presented Mrs. Ben G. Oneal, who introduced Mrs. W. R. Potter and she addressed the Senate briefly.

The Chair also presented Mrs. Anna Steese Richardson of New York who spoke briefly to the Senate.

Senate Resolution No. 20.

Whereas, There are in Austin today many members and representa-

tives of the Federated Women's Clubs of Texas in attendance at their annual convention; and

Whereas, Austin is always hospitable, and furnishes entertainment that causes these fine ladies to enjoy their meetings and visits with each other and they have seen in the Capital City the finest opportunity for investment in locating and erecting their State Club building, of which they are justly proud; and

Whereas, The true wealth of these clubs is measured by the wholesome thoughts and activities of these women of Texas, the riches of their minds and hearts and the true and pure sentiments of life exemplified by them;

Now, therefore, in recognition of their distinguished and pleasing presence in the Capitol Building, it is resolved that they be extended the privileges of the floor of the Senate.

COLLIE.

Read and adopted unanimously.

House Bill No. 116.

Pending business was H. B. No. 116 with pending amendment and substitute.

Motion to Table.

Senator Burns moved to table the substitute amendment.

The motion prevailed by the following vote:

Yeas—14.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Nelson.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sulak.
DeBerry.	Van Zandt.

Nays—7.

Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Westerfeld.
Neal.	

Absent.

Isbell.	Rawlings.
Moore.	Woodruff.
Poage.	

Absent—Excused.

Fellbaum.	Shivers.
Oneal.	Small.
Pace.	

Motion to Re-refer.

Senator Beck moved to re-refer to the Committee on Finance H. B. No. 116.

The motion prevailed by the following vote:

Yeas—16.

Beck.	Hopkins.
Blackert.	Isbell.
Collie.	Martin.
Cotten.	Neal.
Davis.	Redditt.
DeBerry.	Sanderford.
Hill.	Stone.
Holbrook.	Sulak.

Nays—7.

Burns.	Regan.
Hornsby.	Van Zandt.
Nelson.	Westerfeld.
Rawlings.	

Absent.

Woodruff.

Absent—Excused.

Fellbaum.	Poage.
Moore.	Shivers.
Oneal.	Small.
Pace.	

Senate Bill No. 9.

Senator Martin called up S. B. No. 9 and sent up the following amendment:

Amend S. B. No. 9 by adding to the end of Sec. No. — the following:

"Provided that in counties having a population in excess of 350,000, according to the last preceding, or any future Federal census, the county auditor shall be compensated in the manner and in the amount now provided by law for such counties."

MOORE.

Read and pending.

S. B. No. 9 with pending amendment was laid on the table subject to call.

House Bill No. 94.

Senator Shivers received unanimous consent to take up out of order H. B. No. 94.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McKinney and Mr. Leonard:

H. B. No. 94, A bill to be entitled "An Act providing for the compensation of criminal districts attorneys or county attorneys who perform the duties of district attorneys in those counties in which the commissioners' courts elect to compensate such officers on a salary basis; fixing the compensation of criminal district attorneys or county attorneys who perform the duties of a district attorney and whose district is composed of one county only; providing the method of payment; providing for the disposition of fees, commissions and perquisites earned and collected by such criminal district attorney or county attorney; providing that this Act shall be cumulative of prior acts, except where in direct conflict, especially with reference to assistants, and special investigators; providing for the payment of expenses of criminal district attorneys and county attorneys performing the duties of district attorneys when engaged in the actual discharge of their duties; reappropriating money to pay salaries and expenses authorized and incurred in this Act; providing for the validity of the remainder of this Act in the event any portion hereof is declared to be unconstitutional; and declaring an emergency."

Read the second time and laid on the table object to call.

Adjournment.

On motion of Senator Holbrook the Senate at 5:20 o'clock p. m. adjourned until 10:00 o'clock a. m., Wednesday.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, Nov. 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 31 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, Nov. 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 19 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 30 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 23 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 18 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 88, A bill to be entitled "An Act to amend Article 2968 of the Revised Civil Statutes of Texas of 1925, as amended by the First Called Session of the Forty-first Legislature, providing that the exemption certificates for the poll tax shall be secured before the first day of February, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and be not printed.

VAN ZANDT, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 106 A bill to be entitled "An Act to amend the law controlling fresh water supply districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 107, A bill to be entitled "An Act to amend Section 7 of H. B. No. 131, Chapter 247, enacted by the Forty-third Legislature at the Regular Session, Page 867 of the Session Acts of said term which is also Article 52, Section 161 of the Code of Criminal Procedure 1934, Supplement to Vernons Revised Statutes, changing the terms of Court of the Criminal District Court of Bexar County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 115, A bill to be entitled "An At to validate the bonds of water improvement districts and of water control and improvement districts where such bonds have been issued by the districts and approved by the Attorney General of the State

of Texas, notwithstanding the fact that such bonds were not validated by a suit in the district court as required by law; providing that this Act shall not affect any bonds the validity of which is being questioned in any litigation pending at the time this Act becomes effective, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 109, A bill to be entitled "An Act empowering cities of two hundred and thirty thousand or more inhabitants to purchase and own, build, maintain, operate, mortgage and encumber health and recreational establishments, parks, playgrounds, hotels, bathhouses, bathing pools or facilities, and any and all other installations or establishments necessary or desirable as a part of health and recreational resorts, parks or playgrounds, or any of them, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

SMALL, Chairman.

Committee Amendment No. 1.

Amend the Caption in H. B. No. 109, in the thirteenth line, after the word "revenues," by adding the following:

"Restricting property that may be incumbered or mortgaged.

Committee Amendment No. 2.

Amend H. B. No. 109, after the words "or any of them," at the bottom of page three, next to the last line, by inserting the following:

"Provided, however, that such cities are prohibited from mortgaging or incumbering any property now

owned by such cities, and the rights and privileges hereby conferred upon such cities shall only authorize such cities to mortgage and incumber property acquired by such cities after the date of the passage of this Act."

Committee Room,

Austin, Texas, Nov. 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 108, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing body of each respective incorporated city and town to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the Statutory Board of Equalization, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BLACKERT, Chairman.

Minutes of Committee Meeting.

Minutes of Meeting of Committee on State Affairs Held November 11, 1935.

Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Moore, Oneal, Rawlings, Regan, Redditt, Shivers, Stone, Sulak.

Absent—Excused: Fellbaum, Small.

H. B. No. 94 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

S. B. No. 30 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

H. C. R. No. 11 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

H. C. R. No. 13 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

H. C. R. No. 19 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

H. B. No. 97 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

H. B. No. 110 was reported favorably with the recommendation that it do pass and be not printed, by a viva voce vote.

ELIZABETH SUITER,
Secretary.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,
November 13, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

Committee Reports.

(See Appendix.)

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 46 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House with instructions not to put any form of sales tax and/or gross proceeds tax in the conference report:

Frazer, James, McKinney, Good, Hankamer.

The House passed the following resolutions:

H. C. R. No. 25, Suspending Rules 11, 22 and 23 of the Joint Rules of the House and Senate for the purpose of taking up until the final disposition thereof S. B. No. 27 (the Brazos River Project).

H. C. R. No. 26, Memorializing the President of the United States to continue federal aid for the care of unemployables in this State until it is possible for us to provide for them, etc.

H. C. R. No. 28, Suspending Rules 11, 22 and 23 of the Joint Rules of the House and Senate for the consideration and final disposition in both the House and the Senate of H. B. No. 127.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 24.

Whereas, In 1936 Texas will celebrate her Centennial;

Whereas, Texas has the distinction of being the only State of the Union that has been an independent nation;

Whereas, Her history is therefore unique;

Whereas, The pupils of the public schools of Texas receive little instruction in that history until reaching Junior High School; and

Whereas, It would seem fitting and appropriate that the younger pupils have an opportunity to become familiar with the glorious and romantic history of their State.